

## Department of Planning and Budget 2004 Fiscal Impact Statement

**1. Bill Number** HB189

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron**        Black

**3. Committee**    General Laws

**4. Title**            Children's Internet Protection; public libraries.

**5. Summary/Purpose:**

Existing law requires library boards to establish acceptable use policies (AUP) for access to the Internet within public libraries. The policies must be designed to prohibit use of library computers for sending, receiving, viewing or downloading illegal material; prevent youths from accessing information harmful to juveniles; and establish appropriate consequences for violation of the policies. Library boards are instructed to take such steps as they deem appropriate to implement the policies, which may include the use of filtering or blocking software. The Proposed amendment to the legislation requires library boards to install filtering or blocking software on computers that are accessible to children. The software is intended to block access to child pornography as set out in § 18.2-374.1C1, obscenity as defined in § 18.2-372 and materials deemed harmful to juveniles as defined in § 18.2-390. The amendment provides that for adult use, such technology shall be in operation only at the request of the patron. The bill also specifies that the provisions regarding filtering or blocking software shall become effective upon the certification by the Librarian of Virginia that a technology exists that complies with this requirement without violating the constitutional principles enunciated by the Supreme Courts of Virginia and the United States.

**6. Fiscal Impact Estimates are:** Preliminary

**6a. Expenditure Impact:**

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2003-04	\$135,000	0	General Fund
2004-05	94,500	0	General Fund
2005-06	94,500	0	General Fund
2006-07	135,000	0	General Fund
2007-08	94,500	0	General Fund
2008-09	94,500	0	General Fund
2009-10	135,000	0	General Fund

**6b. Revenue Impact:** none.

**7. Budget amendment necessary:** No.

**8. Fiscal implications:** If the Librarian of Virginia certifies that software is available that complies with the requirements of this legislation without violating constitutional protections, local public libraries will have to purchase and install the software on their public access computers. The cost of the software is estimated at \$50 per copy initially, and \$35 per copy for upgrades in each of the two succeeding years. It is anticipated that new software will be required every fourth year to keep up with changes in technology. These software costs are reflected in the expenditure impact above. The Library of Virginia and the local libraries will have to absorb administrative costs related to monitoring the computers, changing the settings for minor and adult users, and installing and maintaining the software. These administrative costs have not been quantified and are not included in the expenditure impact above.

**9. Specific agency or political subdivisions affected:** The Library of Virginia and all localities with public libraries.

**10. Technical amendment necessary:** None.

**11. Other comments:** None.

**Date:** 01/12/04 / jeh

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cc: Secretary of Education